

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PABLO M. CHAVEZ,

Plaintiff,

vs.

KINGS COUNTY JAIL, et al.,

Defendants.

1:20-cv-00603-GSA-PC

**ORDER ADDRESSING PLAINTIFF'S
MOTION FOR CLARIFICATION
(ECF No. 5.)**

**ORDER DIRECTING CLERK TO MOVE
THE COMPLAINT FROM THIS CASE
INTO CASE 1:20-cv-00369-EPG-PC AS
THE FIRST AMENDED COMPLAINT**

**ORDER ADMINISTRATIVELY
CLOSING THIS CASE**

**ORDER FOR CLERK TO DOCKET THIS
ORDER IN CASES 1:20-cv-00369-EPG-
PC, 1:20-cv-00471-SKO-PC, AND 1:20-cv-
00518-JDP-PC**

I. BACKGROUND

Pablo M. Chavez ("Plaintiff") is a Kings County Jail inmate proceeding *pro se* with this civil rights action pursuant to 42 U.S.C. § 1983. The Complaint commencing this action was filed on April 28, 2020. (ECF No. 1.) On May 11, 2020, Plaintiff filed a motion for clarification. (ECF No. 5.)¹

¹ Plaintiff also filed the same motion for clarification in his cases 1:20-cv-00369-EPG-PC, 1:20-cv-00471-SKO-PC, and 1:20-cv-00518-JDP-PC. (Court Record.)

II. PLAINTIFF'S MOTION FOR CLARIFICATION

Plaintiff requests clarification of the status of four of his cases:

- (1) 1:20-cv-00369-EPG-PC ("**20-369**");
- (2) 1:20-cv-00471-SKO-PC ("**20-471**");
- (3) 1:20-cv-00518-JDP-PC ("**20-518**"); and
- (4) 1:20-cv-00603-GSA-PC ("**20-603**").

Plaintiff asserts that he amended three of the cases – **20-369**, **20-471**, and **20-518** -- and joined those cases together into case **20-603**. Plaintiff now questions why he was granted leave to amend the complaint in case **20-369** when he already amended it in case **20-603**.

III. DISCUSSION

The court finds the following on the court's record:

On April 27, 2020, Plaintiff voluntarily dismissed cases **20-471** and **20-518** as duplicative of case **20-369**. (20-471, ECF No. 7; 20-518, ECF No. 6.) Therefore, only two of the four cases at issue are currently pending, cases **20-369** and **20-603**;

On April 27, 2020, Plaintiff filed a motion to amend the complaint in case **20-369** (20-369, ECF No. 11.)

On April 28, 2020, Plaintiff submitted a complaint to the court, which was used to open a new case **20-603**; (20-603, ECF No. 1.) and,

On April 30, 2020, Plaintiff's motion to amend the complaint in case **20-369** was granted. (20-369, ECF No. 12.)

The court has reviewed the complaints in cases **20-369** and **20-603** and finds that the complaint used to open case **20-603** should be moved into case **20-369** as a First Amended Complaint, and that case **20-603** should be dismissed based on the following: Plaintiff's understanding of the cases expressed in his motion for clarification; the similarities of the allegations, claims, and requested relief in the two complaints; the order of events in the two cases; and the motion to amend filed by Plaintiff and granted in case **20-369**. Therefore, the court shall direct the Clerk to move the complaint filed in this case on April 28, 2020 into case **20-369**, and then administratively close this case.

///

///

1 ///
2

3 **IV. CONCLUSION**

4 Based on the foregoing, **IT IS HEREBY ORDERED** that:

- 5 1. The court finds that the original complaint filed in this case, **20-603**, should be
6 filed as the First Amended Complaint in case **20-369**;
- 7 2. The Clerk is directed to:
- 8 (1) MOVE the original Complaint from this case **20-603** into case **20-369** as
9 the First Amended Complaint;
- 10 (2) Administratively CLOSE this case **20-603**; and
- 11 (3) DOCKET this order in these cases:
12 **20-603 (this case),**
13 **20-369,**
14 **20-471, and**
15 **20-518.**

16 IT IS SO ORDERED.

17 Dated: **May 13, 2020**

18 **/s/ Gary S. Austin**
19 UNITED STATES MAGISTRATE JUDGE
20
21
22
23
24
25
26
27
28